

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation  
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Master File No. 1:00-1898  
MDL 1358 (SAS)

**This Document Relates To:**

<i>Carle Place Water District v. AGIP Inc., et al.</i>	No. 03-CV-10053
<i>City of Crystal River v. Amerada Hess Corp., et al.</i>	No. 07-CV-6848
<i>City of Inverness v. Amerada Hess Corp., et al.</i>	No. 07-CV-4011
<i>Homosassa Water District v. Amerada Hess Corp., et al.</i>	No. 07-CV-4009
<i>Incorporated Village of Mineola v. AGIP Inc., et al.</i>	No. 03-CV-10051
<i>Tampa Bay Water Authority v. Amerada Hess Corp., et al.</i>	No. 07-CV-4012
<i>Town of East Hampton, et al. v. AGIP Inc., et al.</i>	No. 03-CV-10056
<i>Town of Southampton, et al. v. AGIP Inc., et al.</i>	No. 03-CV-10054
<i>Village of Hempstead v. AGIP Inc., et al.</i>	No. 03-CV-10055
<i>West Hempstead Water District v. AGIP Inc., et al.</i>	No. 03-CV-10052
<i>Westbury Water District v. AGIP Inc., et al.</i>	No. 03-CV-10057
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**PLAINTIFFS AND DEFENDANTS GETTY PROPERTIES CORP. f/k/a  
GETTY PETROLEUM CORP. AND LEEMILT'S PETROLEUM, INC.'S  
JOINT MOTION FOR VOLUNTARY  
DISMISSAL WITH PREJUDICE PURSUANT TO F.R.C.P. 41(a)(2)**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs, Carle Place Water District; City of Crystal River; City of Inverness; Homosassa Water District; Incorporated Village of Mineola; Tampa Bay Water Authority; Town of East Hampton; Town of Southampton; Village of Hempstead; West Hempstead Water District; and, Westbury Water

District and Settling Defendants, Getty Properties Corp. f/k/a Getty Petroleum Corp. and its subsidiary Leemilt's Petroleum, Inc. (collectively the "Parties") move the Court to enter agreed Stipulations and Orders of Dismissal with Prejudice in each of these cases. The parties have agreed to a final resolution of all matters in controversy between them, including the settlement of the above cases, and executed Stipulations of Dismissal. The parties have agreed that each shall bear their own costs, expenses and attorneys' fees.

WHEREFORE, the Parties request that this Court enter the attached Stipulation and Order of Dismissal with Prejudice under Rule 41 of the Federal Rules of Civil Procedure, costs and expenses to be borne by the party incurring them, and for such other relief to which they may be entitled.

Respectfully submitted,

NAPOLI BERN RIPKA & ASSOCIATES, LLP

By: 

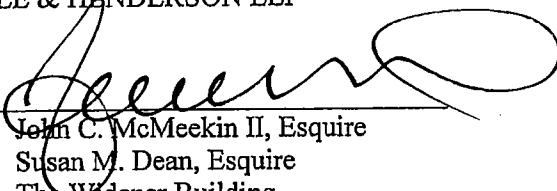
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Dated: 4/6/11

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Dated:

4/6/2011

*Attorneys for Defendants,  
Getty Properties Corp. f/k/a  
Getty Petroleum Corp. and  
Leemilt's Petroleum, Inc.*

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SOUTHERN DISTRICT OF NEW YORK

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**STIPULATION AND ORDER OF DISMISSAL UNDER  
FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)**

The Plaintiffs and Settling Defendants, Getty Properties Corp. f/k/a Getty Petroleum Corp. and Leemilt's Petroleum, Inc. (the "Settling Defendants") (collectively the "Parties") have advised the Court that they have resolved the matter between them and agree to the entry of this Stipulation and Order of Dismissal of the claims against the Settling Defendants as indicated by the signature of the respective counsel below. This Court finds that this Stipulated Order of Dismissal should be entered with the findings included below:

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** as follows:

1. This Court has jurisdiction over the Parties to this Stipulation and over the subject matter of this action. The Parties to this Stipulation have advised the Court of their agreement to settle the captioned matters pursuant to a Settlement Agreement and this Stipulated Order of Dismissal.
2. The Parties to this Stipulation consent to the dismissal of the captioned actions as to the Settling Defendants only, including all claims and counterclaims, with prejudice.
3. Each party shall bear its own costs and attorneys' fees.

**AGREED TO AND ACCEPTED BY:**

Dated: 4/6/11

**NAPOLI BERN RIPKA &  
ASSOCIATES, LLP**

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*Attorneys for Plaintiffs*

Dated: 4/6/2011

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*Attorneys for Defendants,  
Getty Properties Corp. f/k/a  
Getty Petroleum Corp. and  
Leemilt's Petroleum, Inc.*

**SO ORDERED:**

\_\_\_\_\_  
Hon. Shira A. Scheindlin  
United States District Judge

**CERTIFICATION OF SERVICE**

I hereby certify that on today's date, a true and correct copy of Plaintiffs and Defendants Getty Properties Corp. f/k/a Getty Petroleum Corp. and Leemilt's Petroleum, Inc.'s Joint Motion for Voluntary Dismissal with Prejudice pursuant to F.R.C.P. 41(a)(2) was served via LexisNexis File and Serve on 10 day of April, 2011, upon all attorneys of record.

**RAWLE & HENDERSON LLP**

By: 

Susan M. Dean, Esquire